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OFFICE OF THE CLERK

MARCIA M. WALDRON
CLERK

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA 19106-1790

TELEPHONE
215-597-2995

Middle - Harrisburgh Clerk of District Court

Date 11/12/02

(District)

Branch v. Russian
Caption)

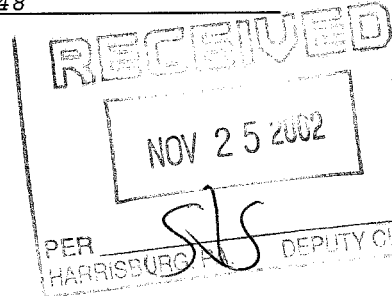
C. of A. No. 02-1248

William Branch
(Appellants)

00-cv-1728
(D.C. No.)

z. L. G. M. A.

Enclosures:



November 12, 2002 Certified copy of C. of A. Order by the
Court/Clerk
(Date)

_____ Released (Record) (Supplemental Record - First - Second - Third)

_____ Copy of this form to acknowledge receipt and return to C. of A.

_____ Record not released at this time until appeal(s) closed at No.(s) _____

_____ Please forward Certified List in Lieu of Record to this office.

_____ The certified copy of order issued as the mandate on _____
is recalled.

Susan M. Acerba (267)-299- 4920

Deputy Clerk

Telephone Number

Receipt Acknowledge:

Acknie
(Name)

11/25/02 BT
(Date)

Rev. 3/13/00
Appeals (Certified List in Lieu of Record)

DPS-224

July 3, 2002

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11/26/02
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UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 02-1248

WILLIAM R. BRANCH

VS.

RUSSIAN, ET AL.

(M.D. PA. CIV. NO. 00-CV-01728)

FILED
HARRISBURG, PA

NOV 25 2002

Present: NYGAARD, ROTH and BARRY, CIRCUIT JUDGES

MARY E. DWANDREA, CLERK
Per [Signature] Deputy Clerk

Submitted by the Clerk for possible dismissal due to a jurisdictional defect
in the above-captioned case.

Respectfully,

Clerk

MMW/WMS/zm/sma

ORDER

This Court may hear appeals only from final orders of the District Court. 28 U.S.C. § 1291. The order must end the litigation as to all claims and all parties. Carter v. City of Philadelphia, 181 F.3d 339, 343 (3d Cir.1999), cert. denied, Roe v. Carter, 528 U.S. 1005 (1999). Because the November 6, 2001 order dismissing one defendant from the complaint did not terminate the action as to all parties and was not certified by the District Court under Fed. R. Civ. P. 54(b), said order is not appealable at this time. Accordingly, the appeal is dismissed for lack of appellate jurisdiction.

By the Court,

[Signature]
Circuit Judge

Dated:

NOV 12 2002

SMACCO: WB, JTM

A True Copy:

[Signature]
Marcia M. Waldron,
Clerk